

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 20-CV-954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL
MANAGEMENT SERVICES, INC.,

Defendants.

**PLAINTIFF'S
NOTICE TO THE COURT
AND PARTIES**

On August 31, 2023, Plaintiff received an Order from the Court bearing Docket Number 282, which, among other things, ordered a stay of proceedings in this case, ordered that the parties meet and confer with opposing counsel regarding several outstanding motions, and set a status conference for September 29, 2023. Plaintiff very reluctantly submits the following information that may bear directly on the Court's hearing on September 29, 2023.

At the time Plaintiff received the Court's Order, Plaintiff was in the late stages of drafting a Motion to Disqualify Nelson Mullins as counsel for Defendants in this matter pursuant to North Carolina Rules of Professional Conduct 1.7(a) and 3.7(a) and intended to file it well in advance of September 29, 2023. Plaintiff respectfully notifies the Court and the parties that he intends to file the disqualification motion upon the Court lifting the stay, or

when otherwise directed or permitted by the Court. The duty of candor of Plaintiff's counsel to the Court compels that they communicate this issue to the Court in advance of the scheduled status conference and in advance of any further meet and confer meetings with Defendants' counsel so that the Court is fully aware of the circumstances and of the threshold nature of the disqualification issue in advance of the scheduled status conference. Plaintiff will follow the Court's Order, meet and confer with opposing counsel, and attempt to resolve any outstanding issues in the pending motions that can be resolved between the parties.

On Tuesday, September 6, 2023, counsel for Plaintiff and Defendants met and conferred relative to this Notice and the parties were unable to reach an agreement.

This, the 6th day of September, 2023.

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/s/ Ripley Rand

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Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
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Plaintiff,

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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John Branch, III, Esq.

Jeffrey M. Kelly, Esq.

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Counsel for Defendants

This, the 6th day of September, 2023.

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